

AMENDED IN SENATE MAY 4, 2005

AMENDED IN SENATE APRIL 18, 2005

SENATE BILL

No. 569

Introduced by Senator Torlakson
(Coauthors: Senators Cedillo and Escutia)
(Coauthor: Assembly Member Parra)

February 18, 2005

An act to add and repeal Article 5 (commencing with Section 89090) of ~~to~~ Chapter 1 of Part 55 of, and to add and repeal Article 4 (commencing with Section 92630) of Chapter 6 of Part 57 of, the Education Code, relating to public postsecondary education.

LEGISLATIVE COUNSEL'S DIGEST

SB 569, as amended, Torlakson. Public postsecondary education: California State University and University of California: disclosure of alumni names and addresses.

Existing law establishes the California State University, administered by the Trustees of the California State University, and the University of California, administered by the Regents of the University of California, as 2 of the segments of public postsecondary education in this state. *Existing law establishes the Hastings College of the Law, under the governance of the Board of Directors of the Hastings College of the Law, within the University of California.*

This bill would prescribe criteria for the disclosure of the names and addresses of alumni of the California State University~~and~~, the University of California, *and the Hastings College of the Law*. The bill would require that these names and addresses of alumni be disclosed only to provide those persons with informational materials relating to the university and its programs and activities; to provide those persons, or the trustees~~or~~, the regents, *or the board of directors*,

and the alumni associations with beneficial commercial opportunities; or to promote and support the educational mission of the university, the trustees ~~or~~, the regents, *or the board of directors*, or the alumni associations.

The bill would authorize this disclosure only if the trustees ~~or~~, regents, *or board of directors*, or the alumni associations, have a contractual agreement with a ~~commercial entity~~ *business, as defined*, that maintains control over this data that requires the ~~commercial entity~~ *business* to maintain the confidentiality of the names and addresses of the alumni, that requires that the respective universities retain the right to approve or reject any purpose for which the private information is to be used by the ~~commercial entity~~ *business and to review and approve the text of mailings sent to alumni pursuant to the bill*, and that prohibits the ~~commercial entity~~ *business* from using the information for any purposes other than those described, and the disclosure of alumni names and addresses does not include the names and addresses of alumni who have directed the trustees ~~or~~, regents, *or board of directors*, or an alumni association, not to disclose their names or addresses.

The bill would require the respective universities to ~~obtain consent in accordance with a specified provision of the California Financial Information Privacy Act~~ *make available to their alumni a specified form or an alternative notice, including specified information, in a mailing or in an Internet posting, as prescribed*, before alumni names and addresses could be disclosed.

The bill would apply to the University of California only to the extent that the regents act, by resolution, to make it applicable. *The bill would apply to the Hastings College of the Law only to the extent that the board of directors acts, by resolution, to make it applicable.*

The bill would specify that its provisions would be repealed as of January 1, 2011.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Article 5 (commencing with Section 89090) is
- 2 added to Chapter 1 of Part 55 of the Education Code, to read:

Article 5. Alumni

89090. (a) The trustees and alumni associations may distribute the names and addresses of alumni of the California State University *to a business as described in subdivision (b)*, in order to accomplish any or all of the following:

(1) To provide those persons with informational materials relating to the university and its programs and activities.

(2) To provide those persons, the trustees, and the alumni associations with commercial opportunities that provide a benefit to those persons, or to the trustees or the alumni associations.

(3) To promote and support the educational mission of the university, the trustees, or the alumni associations.

(b) The disclosures authorized in subdivision (a) shall be permitted only if all of the following requirements are met:

(1) The trustees or the alumni associations have a contractual agreement with a ~~commercial entity~~ *business, as defined in subdivision (a) of Section 1798.80 of the Civil Code*, that maintains control over this data that requires the ~~commercial entity~~ *business* to maintain the confidentiality of the names and addresses of the alumni, that requires that the California State University retain the right to approve or reject any purpose for which the private information is to be used by the ~~commercial entity~~ *business* and to review and approve the text of mailings sent to alumni pursuant to this section, and that prohibits the ~~commercial entity~~ *business* from using the information for any purposes other than those described in subdivision (a). *The text of a mailing intended to be sent to alumni pursuant to this section shall not be approved by the trustees or the affected alumni association unless and until the mailing conspicuously identifies the university or the alumni association as associated with the business described in the mailing.*

~~(2) The California State University uses a form, statement, or writing meeting the requirements of Section 4054.6 of the Financial Code to obtain consent to disclose the name and address of each alumnus whose name and address it proposes to disclose.~~

~~(3)~~

(2) The disclosure of alumni names and addresses does not include the names and addresses of alumni who, pursuant to

1 ~~paragraph (2)~~ subdivision (c) or in another manner, have directed
2 the trustees or an alumni association not to disclose their names
3 or addresses.

4 ~~(4)~~

5 (3) No information regarding either of the following is
6 disclosed:

7 (A) Any current students of the California State University.

8 (B) Any alumnus who, as a student at a campus of the
9 California State University, indicated that, pursuant to the Family
10 Educational Rights and Privacy Act, he or she did not wish his or
11 her ~~directory information to be disclosed~~ name and address to be
12 disclosed.

13 (c) (1) *The trustees or the affected alumni association shall*
14 *satisfy the notice requirements of subdivision (b) if it uses the*
15 *form set forth in paragraph (2). The form set forth in this*
16 *subdivision or a form that complies with subparagraphs (A) to*
17 *(J), inclusive, of this paragraph shall be provided by the trustees*
18 *or the alumni association to the alumnus as required in this*
19 *subdivision, and shall describe the nature of the information the*
20 *alumnus would receive should the alumnus choose not to opt out,*
21 *so that the alumnus may make a decision and provide direction*
22 *to the trustees and the alumni association regarding the sharing*
23 *of his or her name and address:*

24 (A) *The form uses the title “IMPORTANT PRIVACY*
25 *CHOICE” and the header, if applicable, as follows: “Restrict*
26 *Information Sharing With Affinity Partners.”*

27 (B) *The titles and headers in the form are clearly and*
28 *conspicuously displayed, and no text in the form is smaller than*
29 *10-point type.*

30 (C) *The form is a separate document, except as provided by*
31 *subparagraph (B) of paragraph (3).*

32 (D) *The choice or choices provided in the form are stated*
33 *separately, and may be selected by checking a box.*

34 (E) *The form is designed to call attention to the nature and*
35 *significance of the information in the document.*

36 (F) *The form presents information in clear and concise*
37 *sentences, paragraphs, and sections.*

38 (G) *The form uses short explanatory sentences (an average of*
39 *15 to 20 words) or bullet lists whenever possible.*

1 (H) The form avoids multiple negatives, legal terminology,
2 and highly technical terminology whenever possible.

3 (I) The form avoids explanations that are imprecise and
4 readily subject to different interpretations.

5 (J) The form is not more than one page.

6 (2)

7 Important Privacy Choice

8 You have the right to control whether we share your name and
9 address with our affinity partners. Please read the following
10 information carefully before you make your choice below.

11 Your Rights

12 You have the following rights to restrict the sharing of your
13 name and address with our affinity partners (companies that we
14 partner with to offer products or services to our alumni). Nothing
15 in this form prohibits the sharing of information necessary for us
16 to follow the law, as permitted by law, or to give you the best
17 service we can provide. This includes sending you information
18 about the alumni association, the university, or other products or
19 services.

20 Your Choice

21 Restrict Information Sharing With Affinity Partners:

22 Unless you say “No,” we may share your name and address
23 with our affinity partners. Our affinity partners may send you
24 offers to purchase various products or services that we may have
25 agreed they can offer in partnership with us.

26 () NO, please do not share my name and address with your
27 affinity partners.

28 Time Sensitive Reply

29 You may make your privacy choice at any time. Your choice
30 marked here will remain unless you state otherwise. However, if
31 we do not hear from you, we may share your name and address
32 with our affinity partners.

33 To exercise your choice, do one of the following:

34 (1) Call this toll-free number: (xxx-xxx-xxxx).

35 (2) Reply electronically by contacting us through the following
36 Internet option: xxxxxxxxxxxx.com.

37 (3) Fill out, sign, and send back this form to us at the
38 following address (you may want to make a copy for your
39 records).

40 XXXXXXXXXXXXXXXXXX

1 XXXXXXXXXXXXXXXXXX

2 XXXXXXXXXXXXXXXXXX

3 Name:

4 Address:

5 Signature:

6 (3) (A) None of the instructional items appearing in brackets
7 in the form set forth in paragraph (2) shall appear in the form
8 provided to the consumer, as those items are for explanation
9 purposes only. The trustees or the affected alumni association
10 shall not be in violation of this subdivision solely because they
11 include in the form one or more brief examples or explanations
12 of the purpose or purposes for which, or the context within
13 which, names and addresses will be shared, as long as those
14 examples meet the clarity and readability standards set forth in
15 paragraph (1):

16 (B) The form shall be provided to alumni in each of the
17 following communications:

18 (i) The solicitation to students, upon their graduation, from the
19 trustees or the alumni association, encouraging students to join
20 the alumni association or to avail themselves of the services or
21 benefits of the association, shall include the form.

22 (ii) The alumni association magazine or newsletter, or both,
23 shall include the form on an annual or more frequent basis.

24 (iii) The website for the alumni association shall include a link
25 to the form.

26 (iv) A one-time mailing to all alumni on the university mailing
27 list as of January 1, 2006.

28 (4) The trustees or the affected alumni associations shall
29 provide at least two alternative cost-free means for alumni to
30 communicate their privacy choices, such as calling a toll-free
31 telephone number, or using electronic means. The trustees or the
32 alumni association shall clearly and conspicuously disclose in
33 the form required by this subdivision the information necessary
34 to direct the alumnus on how to communicate his or her choice,
35 including the toll-free or facsimile number or website address
36 that may be used, if those means of communication are offered.

37 (5) (A) An alumnus may direct at any time that his or her
38 name and address not be disclosed. The trustees or the affected
39 alumni association shall comply with the direction of an alumnus
40 concerning the sharing of his or her name and address within 45

1 *days of receipt by the trustees or the alumni association. When*
2 *an alumnus directs that his or her name and address not be*
3 *disclosed, that direction is in effect until otherwise stated by the*
4 *alumnus.*

5 *(B) Nothing in this subdivision shall prohibit the disclosure of*
6 *the name and address of an alumnus as allowed by other*
7 *applicable provisions of state law.*

8 *(6) The trustees or the affected alumni association may*
9 *provide a joint notice from the trustees or from one or more*
10 *alumni associations, as identified in the notice, so long as the*
11 *notice is accurate with respect to the trustees and the alumni*
12 *association or associations participating in the joint notice*

13 ~~*(e)*~~

14 *(d) This section shall not be construed to authorize the release*
15 *of any social security numbers.*

16 89090.5. This article shall remain in effect only until January
17 1, 2011, and as of that date is repealed, unless a later enacted
18 statute, that is enacted before January 1, 2011, deletes or extends
19 that date.

20 SEC. 2. Article 4 (commencing with Section 92630) is added
21 to Chapter 6 of Part 57 of the Education Code, to read:

22
23 Article 4. Alumni
24

25 92630. (a) The regents and alumni associations may distribute
26 the names and addresses of alumni of the University of
27 California *or the Hastings College of the Law to a business as*
28 *described in subdivision (b)* in order to accomplish any or all of
29 the following:

30 (1) To provide those persons with informational materials
31 relating to the university *or college* and its programs and
32 activities.

33 (2) To provide those persons, the regents, *the board of*
34 *directors*, and the alumni associations with commercial
35 opportunities that provide a benefit to those persons, or to the
36 regents, *the board of directors*, or the alumni associations.

37 (3) To promote and support the educational mission of the
38 university, the regents, *the board of directors*, or the alumni
39 associations.

(b) The disclosures authorized in subdivision (a) shall be permitted only if all of the following requirements are met:

(1) The regents, *the board of directors*, or the alumni associations have a contractual agreement with a ~~commercial entity~~ *business, as defined in subdivision (a) of Section 1798.80 of the Civil Code* that maintains control over this data that requires the ~~commercial entity~~ *business* to maintain the confidentiality of the names and addresses of the alumni, that requires that the University of California *or the Hastings College of the Law* retain the right to approve or reject any purpose for which the private information is to be used by the ~~commercial entity~~ *business* and to review and approve the text of mailings sent to alumni pursuant to this section, and that prohibits the ~~commercial entity~~ *business* from using the information for any purposes other than those described in subdivision (a). *The text of a mailing intended to be sent to alumni pursuant to this section shall not be approved by the regents or the affected alumni association unless and until the mailing conspicuously identifies the university or the alumni association as associated with the business described in the mailing.*

~~(2) The University of California uses a form, statement, or writing meeting the requirements of Section 4054.6 of the Financial Code to obtain consent to disclose the name and address of each alumnus whose name and address it proposes to disclose.~~

(3)
(2) The disclosure of alumni names and addresses does not include the names and addresses of alumni who, pursuant to ~~paragraph (2) or in another manner, have directed the regents or subdivision (c) or in another manner, have directed the regents, the board of directors, or an alumni association~~ not to disclose their names or addresses.

~~(4)~~
(3) No information regarding either of the following is disclosed:

(A) Any current students of the University of California *or the Hastings College of the Law*.

(B) Any alumnus who, as a student of a campus of the University of California *or the Hastings College of the Law*, indicated that, pursuant to the Family Educational Rights and

1 Privacy Act, he or she did not wish his or her—directory
2 information to be disclosed name and address to be disclosed.

3 (c) (1) The regents, the board of directors, or the affected
4 alumni association shall satisfy the notice requirements of
5 subdivision (b) if it uses the form set forth in paragraph (2). The
6 form set forth in this subdivision or a form that complies with
7 subparagraphs (A) to (J), inclusive, of this paragraph shall be
8 provided by the regents, the board of directors, or the alumni
9 association to the alumnus as required in this subdivision, and
10 shall describe the nature of the information the alumnus would
11 receive should the alumnus choose not to opt out, so that the
12 alumnus may make a decision and provide direction to the
13 regents and the alumni association regarding the sharing of his
14 or her name and address:

15 (A) The form uses the title “IMPORTANT PRIVACY
16 CHOICE” and the header, if applicable, as follows: “Restrict
17 Information Sharing With Affinity Partners.”

18 (B) The titles and headers in the form are clearly and
19 conspicuously displayed, and no text in the form is smaller than
20 10-point type.

21 (C) The form is a separate document, except as provided by
22 subparagraph (B) of paragraph (3).

23 (D) The choice or choices provided in the form are stated
24 separately, and may be selected by checking a box.

25 (E) The form is designed to call attention to the nature and
26 significance of the information in the document.

27 (F) The form presents information in clear and concise
28 sentences, paragraphs, and sections.

29 (G) The form uses short explanatory sentences (an average of
30 15 to 20 words) or bullet lists whenever possible.

31 (H) The form avoids multiple negatives, legal terminology,
32 and highly technical terminology whenever possible.

33 (I) The form avoids explanations that are imprecise and
34 readily subject to different interpretations.

35 (J) The form is not more than one page.

36 (2)

37 Important Privacy Choice

38 You have the right to control whether we share your name and
39 address with our affinity partners. Please read the following
40 information carefully before you make your choice below.

1 *Your Rights*

2 *You have the following rights to restrict the sharing of your*
3 *name and address with our affinity partners (companies that we*
4 *partner with to offer products or services to our alumni). Nothing*
5 *in this form prohibits the sharing of information necessary for us*
6 *to follow the law, as permitted by law, or to give you the best*
7 *service we can provide. This includes sending you information*
8 *about the alumni association, the university, or other products or*
9 *services.*

10 *Your Choice*

11 *Restrict Information Sharing With Affinity Partners:*

12 *Unless you say “No,” we may share your name and address*
13 *with our affinity partners. Our affinity partners may send you*
14 *offers to purchase various products or services that we may have*
15 *agreed they can offer in partnership with us.*

16 *() NO, please do not share my name and address with your*
17 *affinity partners.*

18 *Time Sensitive Reply*

19 *You may make your privacy choice at any time. Your choice*
20 *marked here will remain unless you state otherwise. However, if*
21 *we do not hear from you, we may share your name and address*
22 *with our affinity partners.*

23 *To exercise your choice, do one of the following:*

24 *(1) Call this toll-free number: (xxx-xxx-xxxx).*

25 *(2) Reply electronically by contacting us through the following*
26 *Internet option: xxxxxxxxxxxx.com.*

27 *(3) Fill out, sign, and send back this form to us at the*
28 *following address (you may want to make a copy for your*
29 *records).*

30 XXXXXXXXXXXXXXXXXX

31 XXXXXXXXXXXXXXXXXX

32 XXXXXXXXXXXXXXXXXX

33 Name:

34 Address:

35 Signature:

36 *(3) (A) None of the instructional items appearing in brackets*
37 *in the form set forth in paragraph (2) shall appear in the form*
38 *provided to the consumer, as those items are for explanation*
39 *purposes only. The regents, the board of directors, or the affected*
40 *alumni association shall not be in violation of this subdivision*

1 solely because they include in the form one or more brief
2 examples or explanations of the purpose or purposes for which,
3 or the context within which, names and addresses will be shared,
4 as long as those examples meet the clarity and readability
5 standards set forth in paragraph (1):

6 (B) The form shall be provided to alumni in each of the
7 following communications:

8 (i) The solicitation to students, upon their graduation, from the
9 regents, the board of directors, or the alumni association,
10 encouraging students to join the alumni association or to avail
11 themselves of the services or benefits of the association, shall
12 include the form.

13 (ii) The alumni association magazine or newsletter, or both,
14 shall include the form on an annual or more frequent basis.

15 (iii) The website for the alumni association shall include a link
16 to the form.

17 (iv) A one-time mailing to all alumni on the university mailing
18 list as of January 1, 2006.

19 (4) The regents, the board of directors, or the affected alumni
20 associations shall provide at least two alternative cost-free
21 means for alumni to communicate their privacy choice, such as
22 calling a toll-free telephone number, or using electronic means.
23 The regents, the board of directors, or the alumni association
24 shall clearly and conspicuously disclose in the form required by
25 this subdivision the information necessary to direct the alumnus
26 on how to communicate his or her choices, including the toll-free
27 or facsimile number or website address that may be used, if those
28 means of communication are offered.

29 (5) (A) An alumnus may direct at any time that his or her
30 name and address not be disclosed. The regents, the board of
31 directors, or the affected alumni association shall comply with
32 the direction of an alumnus concerning the sharing of his or her
33 name and address within 45 days of receipt by the regents, the
34 board of directors, or the alumni association. When an alumnus
35 directs that his or her name and address not be disclosed, that
36 direction is in effect until otherwise stated by the alumnus.

37 (B) Nothing in this subdivision shall prohibit the disclosure of
38 the name and address of an alumnus as allowed by other
39 applicable provisions of state law.

1 (6) *The regents, the board of directors, or the affected alumni*
2 *association may provide a joint notice from the regents, from the*
3 *board of directors, or from one or more alumni associations, as*
4 *identified in the notice, so long as the notice is accurate with*
5 *respect to the regents or the board of directors and the alumni*
6 *association or associations participating in the joint notice*

7 ~~(e)~~

8 (d) This section shall not be construed to authorize the release
9 of any social security numbers.

10 92630.5. This article shall apply to the University of
11 California only to the extent that the regents act, by resolution, to
12 make it applicable. *This article shall apply to the Hastings*
13 *College of the Law only to the extent that the Board of Directors*
14 *of the Hastings College of the Law acts, by resolution, to make it*
15 *applicable.*

16 92630.9. This article shall remain in effect only until January
17 1, 2011, and as of that date is repealed, unless a later enacted
18 statute, that is enacted before January 1, 2011, deletes or extends
19 that date.